

# Tilton Beldner LLP

www.tiltonbeldner.com

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626 RXR Plaza  
Uniondale, New York 11556  
Tel.: (631) 629-5291  
Fax: (516) 324-3170  
etilton@tiltonbeldner.com

Via ECF

Honorable Joanna Seybert  
United States Courthouse  
100 Federal Plaza  
Central Islip, NY 11722

November 18, 2021

Re: Manzanarez v. Omni Recycling of Babylon, Inc. et al.  
No. 21-cv-5164(JS)(ST)

Your Honor:

I, along with my co-counsel Stuart A. Weinberger, of Goldberg and Weinberger, LLP, represent the Defendants in the above matter. We write to respectfully request that the Court approve Defendants' request regarding their time to respond to the Complaint. We have sought the consent of counsel for Plaintiff on several occasions and have received no response.

This matter was initiated on September 17, 2021, by the filing of a Summons and Complaint. Plaintiff's counsel informally requested (by email dated the same day) that we agree to waive service. By email dated October 13, Mr. Weinberger responded that service would be accepted. No response was received from Plaintiff's counsel. On October 19, and again on November 3, Mr. Weinberger followed up with additional emails regarding the waiving of service, neither of which received a response.

Sometime in the first week of November, Defendant Anthony Core received a copy of the Summons and Complaint. We are unaware of whether Plaintiff has attempted to serve the corporate defendant. No affidavits of service have been filed on the docket by Plaintiff. On November 11, I emailed Plaintiff's counsel stating that we were aware Mr. Core was served, but we were unaware whether the corporate defendant was served, and I indicated again we would waive service and enter into an agreement for both Defendants to respond to the Complaint. Plaintiff's counsel did not respond to my email.

Accordingly, we respectfully request that the Court approve Defendants' request that both their times to answer or otherwise respond to the Complaint be set as December 18, 2021, 30 days from today, and that the Court note that we are representing that we are waiving service of the Summons of the Complaint and/or waiving any defects in service on behalf of the Defendants.

We thank the Court for its time and consideration, and remain available to conference with the Court if necessary.

Very truly yours,

s/ Eric S. Tilton  
Eric S. Tilton

Cc via ECF: All counsel of record